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May 29, 2022

The Honorable Analisa Torres  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: ***United States v. Shea*, 20-Cr-412 (AT)**

Dear Judge Torres:

On behalf of Timothy Shea, the Defense submits the within comments on the final jury charge:

- On page 8 of the charge, the bracketed language should be included.
- For the record, the Defense continues to object to the Court's decision to add the "Reliance on Counsel Not a Defense," ". . . Evidence – Equally Available" (second paragraph), and "Seizure of Funds" instructions, as set forth in our letter of May 26, 2022.
- Although videos were introduced into evidence, the Defense notes that the "Use of Audio and Video Recordings and Transcripts" instruction (no. 38) is directed at audio and video recordings in cooperator or informant cases and does not accurately apply to the facts of this case. The Defense proposes the following edits to the instruction:

~~Audio and~~ Video recordings have been admitted into evidence and transcripts of those recordings were provided to use as aids.

~~Whether you approve or disapprove of the recording of the activity may not enter your deliberations. I instruct you that these recordings were made in a lawful manner and that no one's rights were violated, that the government's use of this evidence is entirely lawful, and that it was properly admitted into evidence at this trial.~~

~~You must, therefore, regardless of any personal opinions about this type of evidence, give this evidence full consideration along with all the~~

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~~other evidence in the case in determining whether the government has proved beyond a reasonable doubt the guilt of the defendant.~~

~~In connection with the recordings that you have heard, you were provided with transcripts of the conversations to assist you while listening to the recordings.~~ I instructed you then, and I remind you now, that the transcripts are not evidence. The transcripts were provided only as an aid to you in listening to the recordings. It is for you to decide whether the transcripts correctly present the conversations recorded on the recordings that you heard.

If you wish to hear any of the recordings again, they will be made available to you during your deliberations.

The Defense has no objections to the verdict form.

Respectfully,

\_\_\_\_\_/s/\_\_\_\_

John Meringolo, Esq.

Cc: All parties (by ECF)